

#### **IV. REMARKS**

1. Claims 1-26 remain in the application. Claims 1, 5, 11, 12, and 16 have been amended.

The amendments to the claims are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

2. Claim 16 has been amended to overcome the 35 USC 101 rejection.

3. Applicants appreciate the indication that claims 5-15 and 20-26 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, Applicants believe that these claims are patentable as they stand for the reasons stated below.

4. Applicants respectfully submit that claims 1-4 and 16-19 are patentable over the combination of Heffner (US 5,298,972) and Niki et al. (US 5,633,959, "Niki") under 35 USC 103(a).

The combination of Heffner and Niki fails to disclose or suggest deriving the mode spectra of said optical property for at least one of the PSPs as a function of said spectral parameter for said spectral range of interest, whereby a partial correspondence of said mode spectra with said minimum and maximum envelope values is used for deriving said mode spectra, as recited by claims 1 and 17.

Heffner fails to disclose or suggest deriving the mode spectra of said optical property for at least one of the PSPs. As disclosed in column 6, lines 54-56 Heffner utilizes a laser source with a fixed wavelength and thus is incapable of deriving a mode spectra. In addition, not only is Heffner silent with respect to a device's principal states of polarization, there is nothing in Heffner related to a mode spectra corresponding to a device's PSPs. Furthermore, Heffner has no disclosure related to deriving a mode spectra using a partial correspondence of mode spectra with minimum and maximum envelope values. Having a fixed wavelength source prevents Heffner from deriving any mode spectra.

Niki fails to provide the features missing from Heffner. Niki discloses a polarization state changing apparatus, but similar to Heffner, has no disclosure related to deriving a mode spectra of an optical property for at least one of a device's PSPs. Niki also has no

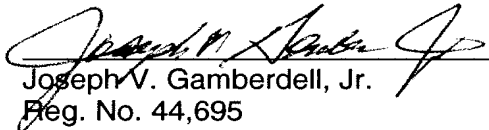
disclosure related to deriving a mode spectra using a partial correspondence of mode spectra.

At least for these reasons, the combination of Heffner and Niki fails to render independent claims 1 and 17 and dependent claims 2-4, 16, 18, and 19 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-1078.

Respectfully submitted,

 15 February 2008  
Joseph V. Gamberdell, Jr. Date  
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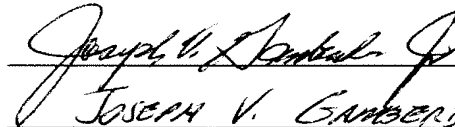
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